

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSH FEIERSTEIN, <i>individually and on behalf of</i>	:	
<i>all others similarly situated</i>	:	
Plaintiff,	:	
	:	
-against-	:	19-CV-11361 (VEC)
	:	
CORREVIO PHARMA CORP., MARK H.N.	:	<u>ORDER</u>
CORRIGAN, WILLIAM HUNTER, JUSTIN A.	:	
RENZ,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS a Fairness Hearing in this matter is scheduled for Friday, May 14, 2021, at 2:30 P.M., Dkt. 56;

WHEREAS settlement class members were required to submit claims forms in this action by no later than April 20, 2021, Preliminary Order, Dkt. 60 ¶ 10;

WHEREAS lead counsel alleges that 9,516 potential settlement class members were contacted as part of the settlement notice effort, Second Claims Admin. Decl., Dkt. 67-1 ¶ 2;

WHEREAS lead counsel did not provide any information about the number of claims submitted in this action;

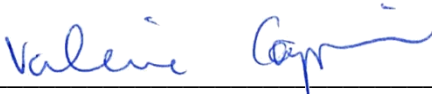
WHEREAS Courts use the claims' rate in part to assess whether a settlement is fair and reasonable and to assess whether the class has received adequate notice, *see Hernandez v. Immortal Rise, Inc.*, 306 F.R.D. 91, 100 (E.D.N.Y. 2015); and

WHEREAS Courts also use the claims' rate to assess the quality of representation rendered, *see Espinal v. Victor's Cafe 52nd St., Inc.*, No. 16-CV-8057 (VEC), 2019 WL 5425475, at \*3 (S.D.N.Y. Oct. 23, 2019);

IT IS HEREBY ORDERED that, at the Fairness Hearing, lead counsel must be prepared to provide (a) the number of claims submitted; (b) basic data about the relative size and types of claims submitted; and (c) the claims' rate.

**SO ORDERED.**

**Date: May 13, 2021**  
**New York, New York**

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**VALERIE CAPRONI**  
**United States District Judge**